

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/25/08
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22-08/PJG/LJK

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Peter J. Gutowski (PG 2200)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
INDUSTRIAL CARRIERS INC.,

Plaintiff,

07 CV 7937 (RMB)

-against-

ORDER TO SHOW CAUSE

DAYTON COMMERCIAL LIMITED a.k.a.
GALVANIZED STEEL CONSUMERS
ASSOCIATION a.k.a. GSCA a.k.a. GSCA
LIMITED a.k.a. TOP UNION,

Defendants.
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WHEREAS, Plaintiff INDUSTRIAL CARRIERS INC. ("ICI") has filed this action in connection with a charter party claim against the Defendant DAYTON COMMERCIAL LIMITED ("Dayton") alleging damages in connection with a shipment of steel products; and

WHEREAS, ICI has obtained an order of attachment under Rule B in connection with its charter party claim against Dayton; and

WHEREAS, ICI has targeted, in addition to Dayton, certain other companies which it claims are aliases of Dayton or so-called "also known as" entities; and

WHEREAS, ICI has targeted an entity "TOP UNION" as one of these so-called "also known as" alias entities for Dayton; and

WHEREAS, the Movant herein, TOP UNION (CHINA) LIMITED ("Top Union China"), whose funds have been restrained as a consequence of the attachment in the amount of \$890,000 denies that it has any relationship whatsoever with Dayton or any of the other "also known as" alias entities described in the Amended Complaint, and has never chartered a ship or shipped steel or steel products, and asserts that the restraint of its funds is wrongful and in error and merely flows as a consequence of the fact that its name bears similarity to one of the "also known as" alias entities designated by ICI; and

WHEREAS, ICI has refused or otherwise failed to voluntarily release Top Union China's funds; and

WHEREAS, no prior request for this or any similar relief has been sought in this action,

NOW, UPON THE MOTION pursuant to Supplemental Admiralty Rule E and Local Admiralty Rule E.1 (which defines the term "prompt hearing" found in Rule E to mean "within three court days") of Top Union China, the supporting Huang Declaration with exhibits, Gutowski Affirmation with exhibits, Top Union China's supporting Memorandum of Law, and all the pleadings and proceedings had herein,

attend a conference re:)
LET PLAINTIFF ICI SHOW CAUSE before the Honorable Richard M. Berman, United States District Judge, at 500 Pearl Street, Courtroom 21D, New York, New York, ✓ on the 11th day of February, 2008, at 9:00 o'clock, ^{A.M.} or as soon thereafter as counsel can be heard, why an order compelling ICI to release Top Union China's funds

should not be granted and granting Top Union China interest, costs and attorneys fees incurred in connection with this matter; and

LET service of a copy of this Order, the Huang Declaration with exhibits, the Gutowski Affirmation with exhibits, and Top Union China's Memorandum of Law, if served upon ICI's counsel in this action by hand or by courier to its offices at 11 West 42nd Street, Suite 900, New York, New York 10036, and ~~I~~ by email to ttisdale@tisdale-law.com and ldavies@tisdale-law.com, on or before five o'clock p.m. on January 30, at 5:00 P.M. 2008 be deemed good and sufficient service; and

IT IS FURTHER ORDERED that answering papers, if any, including but not limited to Affidavit(s), Affirmation(s), Declaration(s), Exhibits and/or Memoranda of Law shall be filed and served so as to be received by counsel for Top Union China (Freehill Hogan & Mahar, LLP) at their offices as set forth above by hand, by courier and/or by email to Gutowski@freehill.com and kahn@freehill.com, on or before ~~five~~ o'clock on the 6th day of February (by noon), 2008, and reply papers, if any, including but not limited to Affidavit(s), Affirmation(s), Declaration(s), Exhibits and/or Memoranda of Law shall be filed and served so as to be received by counsel for ICI as aforesaid at or before five o'clock on the 8th day of February, 2008. See Rules re: page limits.

Dated: New York, New York
January 25, 2008



The Hon. Richard M. Berman, U.S.D.J.

TO: Tisdale Law Offices
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